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NEWMAN W. WHITE

I Concur

WADE CHURCH

I Concur

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ARIZONA ATTORNEY GENERAL

March 24, 1960

Honorable Robert L. Klauer  
State Representative  
House of Representatives  
State Capitol  
Phoenix, Arizona

Dear Mr. Klauer:

This will acknowledge your letter of March 15, 1960, in which you pose three hypothetical situations with reference to callers and crew dispatchers employed by the Southern Pacific Company in Yuma, Arizona, and requesting an opinion as to whether an operator's license is sufficient or whether the personnel involved are required to have a Class A or B chauffeur's license with reference to each of the situations cited by you.

The following definition of a "chauffeur" is found in Title 28, Chapter 1 of the Arizona Revised Statutes:

"§ 28-103. Chauffeur

'Chauffeur' means a person who is employed by another for the principal purpose of driving a motor vehicle, or a person who drives a school bus transporting school children or any motor vehicle when in use for the transportation of persons or property for compensation."

§ 28-129 of the Arizona Revised Statutes defines 'operator' as follows:

'Operator' means a person, other than a chauffeur, who drives or is in actual physical control over a motor vehicle upon a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle.

The determination of the "principal" purpose of a given employment in the administration of the chauffeur's licensing laws (§ 28-103) involves a question of fact, and each case must be considered individually.

Under the provisions of Title 28 of our Motor Vehicle Act, the Arizona Highway Department is responsible for the administration of the operation of motor vehicles on our highways and

Motor Vehicles, Railroad Callers and  
Train Dispatchers, license

Railroad  
callers and  
dispatchers  
and operators  
Chauffeur's  
license

Chauffeurs, Railroad  
callers, Railroad  
dispatchers  
and Train  
dispatchers

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is authorized to make rules and regulations pertaining to the same. The type of license an individual is required to have in order to operate a motor vehicle in this State is one for determination by the Highway Department under our motor vehicle laws.

Our Supreme Court has held that the words of a statute must be interpreted according to their common meaning and usage. The word "principal" is defined in Webster's Dictionary as

"the most important, as distinguished from what is incidental or pertinent or accessory."

As is above stated, under our law, the administrative responsibility of determining what constitutes principal purpose as used in A.R.S. § 28-108 is placed upon the Highway Department.

There are attached for your information copy of Motor Vehicle Division Bulletin dated February 19, 1958, and letter from the Motor Vehicle Department of same date, setting forth certain criteria which are used in determining the type of license required to operate a motor vehicle. The criteria contained in the Operations Bulletin of the Motor Vehicle Division, dated February 19, 1958, and letter of same date accompanying the bulletin, was approved by the Attorney General on February 26, 1958.

Based on examination of the above mentioned bulletin and the accompanying letter from the Motor Vehicle Department, it is the opinion of the Attorney General that a regular operator's license would be sufficient in each of the three situations mentioned.

Very truly yours,

WADE CHURCH  
The Attorney General

NEWMAN W. WHITE  
Assistant Attorney General

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